REMARKS

The drawings have been objected to as failing to show every feature of the invention. Although Applicant's believe that every feature of the invention is illustrated, as detailed in the prior response, a new set of drawings is hereby submitted. No new matter has been added.

Claims 18-24, 26-29, 31-32 and 35 have been rejected under 35 USC 102(2) as anticipated by Nattkemper. The rejection is respectfully traversed.

Nattkemper has a filing dated of July 23, 1999, which is after the priority date of the instant application, namely May 29, 1998. Hence, Nattkemper is not an appropriate prior art reference. However, Applicant's note that Nattkemper is a continuation of application US Pat. No.5,999,518, filed December 4, 1997. This documents has not been provided to Applicant's and no assertion has been made by the Examiner that the parent application discloses all of the information recited in the instant application. The Examiner is respectfully requested to do so, or withdraw the rejection of record.

Assuming *arguendo* that the parent application indeed discloses the same features as the child '206 reference, Applicant's provide the following reasons why it does not teach the claimed invention. Nattkemper fails to disclose providing a first algorithm by means of which, with the exception of a first and a last ATM cell in a frame, all newly arriving cells in the frame are remover, nor does the reference disclose providing a second algorithm by means of which all from a first cell to a last cell, are removed upon arrival in a queue from the ATM communications device, as required by the claimed invention. The Examiner refers to col. 15, lines 1-30 as disclosing this feature. However, Applicant is unable to determine where in this section those features are specifically described. Rather, this section of the reference speak to generalities with respect to traffic and priorities.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is

determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.4491220312000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 12, 2004   Respectfully submitted,
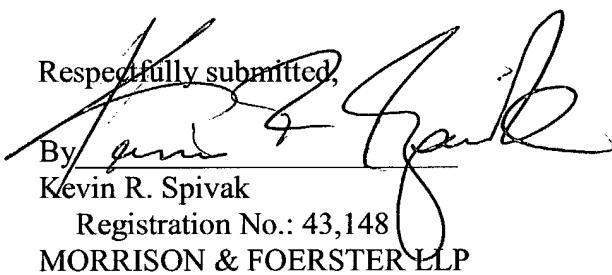
                                            By
                                            Kevin R. Spivak
                                              Registration No.: 43,148
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                                            Washington, DC 20006
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Attachments

REPLACEMENT SHEET

FIG 1

```
IF FPD_flag=TRUE
THEN    IF end_of_frame(P-cell)
        THEN FPD_flag=FALSE
        discard_cell(P_cell)
ELSE    IF PPD_flag=TRUE
        THEN IF end_of_frame(P_cell)
                THEN append_cell(P_cell)
                    PPD_flag=FALSE
                ELSE discard_cell(P_cell)
        ELSE    decide_cell(P_cell)
```
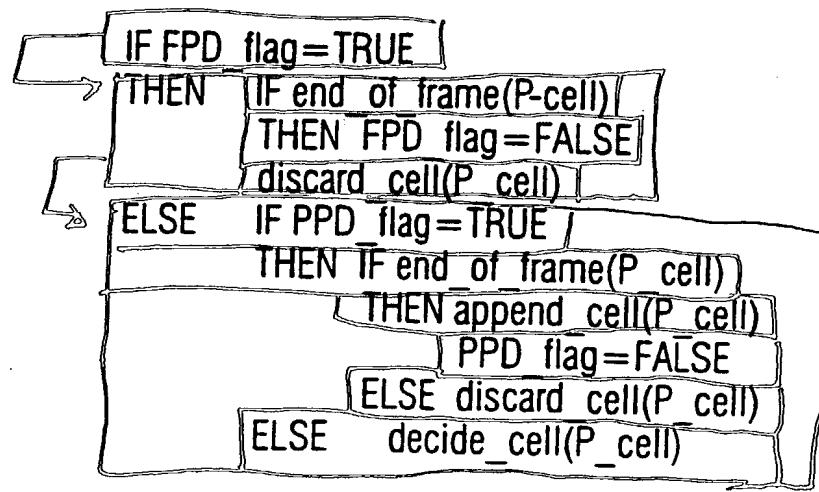
ANNOTATED

FIG 2A

```
IF   (CLP=0)                            //comment: unmarked frame
THEN IF   (first cell of frame)
     THEN IF   (Logical_queue_length>S_PPD_0-MFS)OR    //e.g. Current_frame_length=0
               [(Logical_queue_length>S_EPD_0)AND
               (Buffer_check_0=TRUE)]
          THEN discard_cell(P_cell)
               IF   end_of_frame(P_cell)=FALSE
               THEN FPD_flag=TRUE
          ELSE append_cell(P_cell)

IF   (subsequent cell of frame)  //e.g. Current_frame_length >0
THEN IF   end_of_frame(P_cell)
     THEN append_cell(P_cell)
     ELSE IF   (Logical_queue_length≥S_PPD_0-1)OR
               [(Logical_queue_length>S_EPD_0)OR
               (Buffer_check_0=TRUE)]OR
               (Current_frame_length>MFS-1)
          THEN discard_cell(P_cell)
               IF   remove_last_frame
               THEN FPD_flag=TRUE
               ELSE PPD_flag=TRUE
          ELSE append_cell(P_cell)
```

ANNOTATED

FIG 2B

```
IF    (CLP=1)                                    //comment: marked frame
THEN  IF    (first cell of frame)                //e.g. Current_frame_length=0
      THEN IF    (Logical_queue_length≥S_PPD_1)OR
                 [(Logical_queue_length>S_EPD_1)AND
                 (Buffer_check_1=TRUE)]
           THEN discard_cell(P_cell)
                IF   end_of_frame(P_cell)=FALSE
                THEN FPD_flag=TRUE
           ELSE append_cell(P_cell)

IF    (subsequent cell of frame) //e.g. Current_frame_length>0
THEN IF   end_of_frame(P_cell)
     THEN append_cell(P_cell)
     ELSE IF    (Logical_queue_length≥S_PPD_1-1)OR
                [(Logical_queue_length>S_EPD_1)AND
                (Buffer_check_1=TRUE)]OR
                (Current_frame_length>MFS-1)
          THEN discard_cell(P_cell)
               IF   remove_last_frame
               THEN FPD_flag=TRUE
               ELSE PPD_flag=TRUE
          ELSE append_cell(P_cell)
```

ANNOTATED